

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36462

STATE OF IDAHO,)	2010 Unpublished Opinion No. 313
)	
Plaintiff-Respondent,)	Filed: January 20, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
ROSENDO NUNEZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Richard D. Greenwood, District Judge.

Judgment of conviction and concurrent unified sentences of three years, with one year determinate, for felony driving under the influence and for eluding a peace officer, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and MELANSON, Judge

PER CURIAM

While on supervised misdemeanor probation, Rosendo Nunez was charged with driving under the influence of alcohol (DUI), eluding a peace officer and driving without privileges (DWP). Pursuant to a plea agreement, Nunez pled guilty to felony DUI, Idaho Code §§ 18-8004, 18-8005(5), and to eluding a peace officer, I.C. § 49-1404(2)(c), and the state dismissed the DWP charge. Nunez was sentenced to concurrent unified terms of three years, with one year determinate. Nunez filed an Idaho Criminal Rule 35 motion for reduction of sentences, which the district court denied. Nunez appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentences. Accordingly, Nunez's judgment of conviction and sentences are affirmed.